UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
DAO, THUY CHAN

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/730,601	HEMMAT ET AL.
	Examiner	Art Unit	
	Thuy Dao	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 July 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4-12 and 14-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,4-12 and 14-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 December 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>05/20/08</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed on July 28, 2008.

2. Claims 1-2, 4-12, and 14-26 have been examined.

Response to Amendments

3. In the instant amendment, claims 1, 8, 16, and 20-21 have been amended.

4. The objection to claims 1 and 20 is withdrawn in view of Applicant's amendments.

Information Disclosure Statement

5. The Office acknowledges receipt of the Information Disclosure Statement filed on May 20, 2008. It has been placed in the application file and the information referred to therein has been considered by the examiner.

Response to Arguments

6. Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections – 35 USC §102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 4-12, and 14-26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication No. 2006/0235732 A1 to Miller et al. (art made of record, hereafter "Miller").

Claim 1:

Miller discloses a computer implemented method for scheduling resources to be used in a software development project comprising:

a customer providing information regarding a software development project to be completed through define, discover, design (e.g., [0033]-[0035], [0045]), develop, and deploy phases (e.g., [0092], [0095], [0099]);

a planning department initially reviewing the provided information and providing initial feedback in the define phase prior to completing a detailed requirements analysis in the discover phase (e.g., [0012]-[0013], [0035]-[0037], [0045]),

wherein the discover phase is in support of business requirements which are documented in a centralized repository and enable traceability and reuse in subsequent projects (e.g., [0051], [00147], [0214]-[0216]), and

wherein the detailed requirements analysis includes a plurality of steps including, one or more of functional requirements modeling, system requirements modeling, and application integration modeling (e.g., [0095], [00206], [0313]);

the planning department reserving resources for the project based on the information prior to completing the detailed requirements analysis (e.g., [0034], [0040], [0055], [0105], [0115]);

the planning department confirming the reserved resources at each of the plurality of steps in the detailed requirements analysis (e.g., [0040], [0115], [0117], [0134]);

offering the customer, through the planning department, a final contract upon completion of the plurality of steps of the detailed requirement analysis (e.g., [0128], [0161], [0174], [0193]),

wherein the final contract describes the resources to be used for completion of the project (e.g., [0128], [0166], [0309]); and

the planning department storing a list of the reserved resources on a computer readable medium (e.g., [0055], [0115], [0119], [0135], [0149]).

Claim 2:

The rejection of claim 1 is incorporated. Miller also discloses *after reserving resources: scheduling the reserved resources as agreed upon in the contract upon approval of the contract by the customer through the planning department* (e.g., [0051], [00147], [0214]-[0216]).

Claim 4:

The rejection of claim 2 is incorporated. Miller also discloses *the detailed requirements analysis comprises: a functional requirements modeling step* (e.g., [0033]-[0035], [0045], [0092], [0095], [0099]).

Claim 5:

The rejection of claim 2 is incorporated. Miller also discloses *the detailed requirements analysis comprises: a system requirements modeling step* (e.g., [0012]-[0013], [0035]-[0037], [0045]).

Claim 6:

The rejection of claim 2 is incorporated. Miller also discloses *the detailed requirements analysis comprises: an application integration modeling step* (e.g., [0034], [0040], [0055], [0105], [0115]).

Claim 7:

The rejection of claim 2 is incorporated. Miller also discloses *the detailed requirements analysis comprises: a contract development step* (e.g., [0095], [00206], [0313]).

Claim 8:

Miller discloses *a computer implemented method for scheduling resources needed for a project to be completed through define, discover, design, develop, and deploy phases, comprising:*

a planning department managing a customer's expectations about the project based on preliminary information the customer provides to the planning department (e.g., [0033]-[0035], [0045], [0092], [0095], [0099]);

the customer, in the define phase, approving the project for further analysis in the discover phase (e.g., [0012]-[0013], [0035]-[0037], [0045])

wherein the discover phase is in support of business requirements which are documented in a centralized repository and enable traceability and reuse in subsequent projects (e.g., [0051], [00147], [0214]-[0216]) *and*

wherein the further analysis includes a plurality of steps including one or more of functional requirements modeling, system requirements, and application integration modeling (e.g., [0095], [00206], [0313])

the planning department reserving resources for the project based on the preliminary information and past experience (e.g., [0034], [0040], [0055], [0105], [0115]);

the planning department confirming the reserved resources at the end of at least one of the plurality of steps in the further analysis (e.g., [0040], [0115], [0117], [0134]),

upon completion of the plurality of steps in the further analysis, the planning department offering the customer a final contract describing resources to be used for completion of the project (e.g., [0128], [0166], [0309]);

upon approval of the contract by the customer, the planning department scheduling the reserved resources as agreed upon in the final contract (e.g., [0128], [0161], [0174], [0193]); *and*

the planning department storing a list of the reserved resources on a computer readable medium (e.g., [0055], [0115], [0119], [0135], [0149]).

Claim 9:

The rejection of claim 8 is incorporated. Miller also discloses *the managing of the customer's expectations comprises the planning department giving the customer an estimate of the likely duration of the project based on past experience and on the preliminary information provided by the customer* (e.g., [0051], [00147], [0214]-[0216]).

Claim 10:

The rejection of claim 9 is incorporated. Miller also discloses *the customer's approval of the project for further analysis is based on the estimate of the likely duration of the project* (e.g., [0033]-[0035], [0045], [0092], [0095], [0099]).

Claim 11:

The rejection of claim 8 is incorporated. Miller also discloses *the confirming of the reserved resources comprises determining whether the results of the further analysis indicate whether modifications are needed in the reserved resources* (e.g., [0034], [0040], [0055], [0105], [0115]).

Claim 12:

The rejection of claim 8 is incorporated. Miller also discloses *the further analysis comprises a functional requirements modeling step, a system requirements modeling step, an application integration modeling step, and a contract development step* (e.g., as set forth in claims 4-7).

Claim 14:

The rejection of claim 11 is incorporated. Miller also discloses *if it is determined that modifications are needed in the reserved resources, alerts are sent to projects dependent on a project for which modifications are needed in the reserved resources, the alerts informing the dependent projects that further analysis may be needed* (e.g., [0012]-[0013], [0035]-[0037], [0045]).

Claim 15:

The rejection of claim 8 is incorporated. Miller also discloses *the reserving of resources is aided by a tool that uses past experience and the preliminary information as input and produces an estimate of the resources required as output* (e.g., [0040], [0115], [0117], [0134]).

Claim 16:

Miller discloses *a computer implemented method for scheduling resources to be used in a software development project comprising:*

a customer submitting information about the software development project to an Information Technology department, the software development project completed through define, discover, design, develop and deploy phases (e.g., [0033]-[0035], [0045], [0092], [0095], [0099]);

the Information Technology department analyzing the feasibility of the project and estimating its cost in the define phase (e.g., [0012]-[0013], [0035]-[0037], [0045])

the customer deciding whether to proceed to the discover phase with the project based on the analysis of feasibility and estimate of cost, wherein the discover phase is in support of business requirements which are documented in a centralized repository and enable traceability and reuse in subsequent projects (e.g., [0051], [00147], [0214]-[0216])

upon deciding to proceed to the discover phase, the customer prioritizing and funding the project and the Information Technology department reserving resources for the project (e.g., [0034], [0040], [0055], [0105], [0115])

the Information Technology department modeling in the discover phase at least one requirement for the project after deciding to proceed to the discover phase (e.g., [0040], [0115], [0117], [0134])

wherein modeling the at least one requirement includes one or more of function requirements modeling, system requirements modeling, and application integration modeling (e.g., [0095], [00206], [0313])

upon completion of the at least one requirement modeling, the IT department giving the customer a final contract with an estimate of resources needed for completion of the project (e.g., [0128], [0166], [0309]); *and*

booking the reserved resources as agreed on in the final contract upon approval of the final contract with the estimate by the customer (e.g., [0128], [0161], [0174], [0193]); *and*

the planning department storing a list of the reserved resources on a computer readable medium (e.g., [0055], [0115], [0119], [0135], [0149]).

Claim 17:

The rejection of claim 16 is incorporated. Miller also discloses *during the requirement modeling, the IT department determining whether the results of the modeling of a requirement indicate that modifications to the requirement are needed* (e.g., [0040], [0115], [0117], [0134]).

Claim 18:

The rejection of claim 17 is incorporated. Miller also discloses *when modifications are needed, alerts are sent to projects dependent on a project for which modifications are needed in the reserved resources, the alerts informing the dependent projects that further analysis may be needed* (e.g., [0128], [0161], [0174], [0193]).

Claim 19:

The rejection of claim 1 is incorporated. Miller also discloses *the reserving of resources is aided by a tool that uses past experience and the information submitted by the customer as input and produces an estimate of the resources required as output* (e.g., [0128], [0166], [0309]).

Claim 20:

Miller discloses *a computer implemented method for scheduling software releases for a computer system comprising:*

planning a series of releases for a given time period through define, discover, design, develop, and deploy phases, wherein each release having an initial allocation of capacity (e.g., [0033]-[0035], [0045], [0092], [0095], [0099]);

reviewing information regarding proposed software projects and providing initial estimates of cost and duration for such projects to customers in the define phase for approval to move into a detailed analysis in the discover phase (e.g., (e.g., [0012]-[0013], [0035]-[0037], [0045])

wherein the discover phase is in support of business requirements which are documented in a centralized repository and enable traceability and reuse in subsequent projects (e.g., [0051], [00147], [0214]-[0216])

on receiving approval for the detailed analysis for each project, reviewing the planned series of releases and the initial estimate of cost and duration for the approved project (e.g., [0040], [0115], [0117], [0134])

and reserving capacity in a release having available capacity for the approved project (e.g., [0034], [0040], [0055], [0105], [0115])

wherein the detailed analysis includes one or more of functional requirements modeling, system requirements modeling, and application integration modeling (e.g., [0095], [00206], [0313])

adjusting the reserved capacity as the detailed analysis and as customer feedback change the scope of the projects approved for the detailed analysis and, where available capacity is not present, moving the reserved capacity to a later release (e.g., [0128], [0166], [0309]);

as the detailed analysis of the approved projects are completed and the approved projects are finally approved for development through a contract (e.g., [0128], [0161], [0174], [0193]),

booking the reserved capacity in the releases (e.g., [0115], [0119], [0152]); and

the planning department storing a list of the reserved capacity on a computer readable medium (e.g., [0055], [0115], [0119], [0135], [0149]).

Claim 21:

The rejection of claim 20 is incorporated. Miller also discloses *reviewing the planned series of releases and the initial estimate of cost and duration for the approved project further comprises: reviewing the preliminary test approach as determined in the initial review, the type of lab required, and the available capacity in the required lab* (e.g., [0128], [0161], [0174], [0193]).

Claim 22:

The rejection of claim 20 is incorporated. Miller also discloses *reviewing the planned series of releases and the initial estimate of cost and duration for the approved project further comprises: reviewing dependencies with other projects* (e.g., [0051], [00147], [0214]-[0216]).

Claim 23:

The rejection of claim 20 is incorporated. Miller also discloses *reviewing the planned series of releases and the initial estimate of cost and duration for the approved project further comprises: reviewing the available workforce in the required areas* (e.g., [0040], [0115], [0117], [0134]).

Claim 24:

The rejection of claim 20 is incorporated. Miller also discloses *prior to planning a series of releases for a given time period: receiving from customers estimates of total time required for proposed projects in the given time period; and, adding the received estimates to get a total amount of time for the given time period and dividing the time into releases throughout the time period* (e.g., (e.g., [0012]-[0013], [0035]-[0037], [0045]).

Claim 25:

The rejection of claim 24 is incorporated. Miller also discloses *the number and capacity of the planned releases is determined by the total amount of time received* (e.g., [0034], [0040], [0055], [0105], [0115]).

Claim 26:

The rejection of claim 24 is incorporated. Miller also discloses *an extra percentage of time can be added to the capacity allocated to each release* (e.g., [0115], [0119], [0152]).

Conclusion

9. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thuy Dao/   /Tuan Q. Dam/

Examiner, Art Unit 2192   Supervisory Patent Examiner, Art Unit 2192